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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,559	12/11/2003	Ted. F. Slupesky	BEA9-2003-0021-US1	8775
49056 7590 04/15/2008 LIEBERMAN & BRANDSDORFER, LLC 802 STILL CREEK LANE GAITHERSBURG, MD 20878				
EXAMINER				
LY, CHEYNE D				
ART UNIT		PAPER NUMBER		
2168				
MAIL DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/733,559

**Applicant(s)**

SLUPESKY ET AL.

**Examiner**

CHEYNE D. LY

**Art Unit**

2168

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 28, 2008 has been entered.
2. Applicants' arguments have been fully considered but they are not deemed to be persuasive. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The following rejections and/or objections are either reiterated or newly applied. They constitute the complete set presently being applied to the instant application.
3. Claims 1-14 and 15-20 are examined on the merits.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-7, 14, and 16-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 1, line 11, recites the limitation "said function." There is insufficient antecedent basis for this limitation in the claim. The same issue is present in claim 14.

## RESPONSE TO ARGUMENTS

7. On page 5, Applicant argues the claimed invention is directed to a user interface system for managing one or more managed objects. The managed objects include elements such as disks, array, routers, etc. It is note that Lennon et al. describes the claimed method of managing a managed objects. For example, Lennon et al. describes the software may be divided into essentially two separate parts; one part for executing the browsing and searching requests for particular metadata stores, and another part to manage the user interface between the latter and the user. These two part can be executed on separate computers in a mode known as client-server mode. The software may be stored in one or more computer readable media, including the storage devices described below, for example. The software is loaded into computers of the system from the computer readable media, and then executed by the computers. A computer readable medium having such software or computer program recorded thereon is a computer program product. The use of the computer program product in a computer preferably effects an advantageous apparatus for media browsing (paragraph [0062]). The citation above reasonably describes the argued claimed managing a managed object.

8. Applicant argues claim 1 specifically claims that the management of the object is through an operator, i.e. by a user. Applicant's argument is not persuasive because Lennon et al. as cited above describes the software may be divided into essentially two separate parts; one part for executing the browsing and searching requests for particular metadata stores, and another part to manage the user interface between the latter and the **user** (paragraph [0062]).

9. Applicant argues Lennon et al. does not teach or suggest modifying existing data of a managed object, or creating new data from the managed object. Applicant's arguments are not persuasive because Lennon et al. describes "the metadata server 212 invokes a procedure to satisfy the request...results in the dynamic generation of an XML description of the associated metadata collection" (page 12, [0163]) which reasonably describes the argued limitation of "INVOKE". "It is also possible to set the value of the xlink:show attribute to be "replace" which means that the element content of the generated description should replace the descriptor containing the original link to the metadata server" (page 14, [0170]).

10. Further, the argued limitations of "GET, INVOKE, and SET" are commands directed to the management of the object through an operator, i.e. by a user. It is noted that the commands recited in the claims as intended features, however, the claims do not recite limitations that actually execute the commands to manage any objects as argued by Applicant.

11. As for the argued limitation of SET, Dickman describes the SET command and GET command (column 8, lines 12 and 20). Further, Dickman describes SetURL() function which sets the URL value for the Internet shortcut object. The "URL value" has been reasonably interpreted as data of a managed object such as a server.

12. Therefore, Lennon et al. in view of Dickman et al. renders the claimed invention obvious over the cited prior art.

13. As discussed above, the Examiner has established a prima facie case of obviousness for the claimed invention in view of the cited prior art.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
16. Claims 1-14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lennon et al. (US 20020107973 A1) (Lennon hereafter) in view of Dickman et al. (US 5877765 A) (Dickman hereafter).

**CLAIM INTERPRETATIONS**

17. The instant specification exemplifies “managed object” as hardware devices which may include storage devices, servers, and routers (page 4, last paragraph). Lennon discloses the below cited method, computer system and article as directed to storage devices and servers (Figures 9-11). Therefore, the disclosure of Lennon has been interpreted as “managed object.” Further, the disclosure of the “get” (page 5, column 1, [0074])

command by Lennon has been interpreted as a function as exemplified by the instant specification (page 6, lines 1-16).

#### **MOTIVATION TO COMBINE**

18. Lennon describes a “preferred arrangement interprets the link by first using the identifier part of the URI to locate the metadata server on the network (page 10, [0117]). Dickman describes an improved ability to locate resources in a distributed environment, such as the Internet (URL) (column 1, lines 55-57). Therefore, one of ordinary skill in the art at the time of the invention would have been motivated by Dickman to improve ability to locate metadata resources in a distributed environment, such as the Internet (URL) as described by Lennon.

#### **BASIS FOR PRIOR ART**

19. In regard to claim 1, Lennon discloses a method of managing with a managed object, comprising:

- a. Dynamically generating (page 4, column 2, [0073], especially the disclosure of “dynamically generating XML descriptions that conform to these schemas”) an interpretable format from a meta data description for a function of said object (claim 1) wherein said object is a hardware device (page 10, [0117], e.g. the media browser may be configured to initiate the one or more metadata server processes);
- b. managing said managed object with an operator input command, including a GET command request data from said managed object (page 5, column 1, [0074], especially, “a URI itself, and a query string which specifies details of the

metadata server request. The request can be executed using a Hypertext Transfer Protocol (HTTP) "get" request over the Internet"), and an INVOKE command to create new data, wherein a single URL assigned to an attribute of said managed object is used for each of said operator commands (page 12, [0163], especially, "the metadata server 212 invokes a procedure to satisfy the request");

- c. Interpreting said operator input command (Abstract etc., and page 9, [0101]) according to said format (claim 92, and page 9, column 1, [0100], to page 10, column 1, line 7);
  - d. Executing said function to manage configuration of said object in response to said interpretation of said operator input command (claim 115, and page 17, [0192]); and
  - e. Displaying a response of said executed function to an operator (Figure 4).
20. However, Lennon does not explicitly describe the limitation of "a SET command to modify existing data of said managed object." Dickman describes the SET command and GET command (column 8, lines 12 and 20). Therefore, it would have been obvious to one of ordinary skill in the art to improve the improve ability to locate metadata resources in a distributed environment, such as the Internet (URL) as described by Lennon with the SET function of Dickman.
21. In regard to claim 2, Lennon in view of Dickman discloses translating a response received from said managed object into said interpretable format (page 4, column 2, [0073], and page 5, column 1, [0077]). Therefore, it would have been obvious to one of ordinary skill in the art to improve the improve ability to locate metadata resources in a

distributed environment, such as the Internet (URL) as described by Lennon and Dickman.

22. In regard to claim 3, Lennon in view of Dickman discloses meta data description for a function of said object includes a uniform resource locator to said function (page 5, column 1, [0074] and [0078], and page 9, column 1, [0103]). Therefore, it would have been obvious to one of ordinary skill in the art to improve the improve ability to locate metadata resources in a distributed environment, such as the Internet (URL) as described by Lennon and Dickman.
23. In regard to claim 4, Lennon in view of Dickman discloses the metadata describes one or more internal commands associated with said functions (page 5, column 1, [0074]). It is noted that the “get” command described by Lennon is consistent type of internal command exemplified by the instant specification on page 6, lines 1-16. Therefore, it would have been obvious to one of ordinary skill in the art to improve the improve ability to locate metadata resources in a distributed environment, such as the Internet (URL) as described by Lennon and Dickman.
24. In regard to claim 5, Lennon in view of Dickman discloses dynamically generating (page 5, column 1, [0075]) an interpretable format from a mete data description (claim 1) includes building a data structure to inform an operator of a require format for communication with said managed object (page 5, column 2, [0084], to page 8, column 1, [0099]). Therefore, it would have been obvious to one of ordinary skill in the art to improve the improve ability to locate metadata resources in a distributed environment, such as the Internet (URL) as described by Lennon and Dickman.

2. In regard to claim 6, Lennon in view of Dickman discloses communicating with said managed object in real-time (page 9, [0109]). Therefore, it would have been obvious to one of ordinary skill in the art to improve the improve ability to locate metadata resources in a distributed environment, such as the Internet (URL) as described by Lennon and Dickman.
25. In regard to claim 7, Lennon in view of Dickman discloses the step of dynamically generating an interpretable format from a mete data description for a function of said object includes an interface such as a graphical user interface (Figures 1 and 2, especial item 101, "Media Browser"). Therefore, it would have been obvious to one of ordinary skill in the art to improve the improve ability to locate metadata resources in a distributed environment, such as the Internet (URL) as described by Lennon and Dickman.
26. In regard to claims 8-14 and 16-20, Lennon in view of Dickman discloses the above cite method being implemented in a computer system and article comprising a computer-readable signal-bearing medium (Figures 1 and 2). Therefore, it would have been obvious to one of ordinary skill in the art to improve the improve ability to locate metadata resources in a distributed environment, such as the Internet (URL) as described by Lennon and Dickman.

### **CONCLUSION**

27. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the

type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

28. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-1919. The USPTO's official fax number is 571-272-8300.
29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.
30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached on (571) 272-3642.

/Cheyne D Ly/  
Primary Examiner, Art Unit 2168

**Application Number****Application/Control No.**

10/733,559

**Applicant(s)/Patent under  
Reexamination**

SLUPESKY ET AL.

**Examiner**

CHEYNE D. LY

**Art Unit**

2168